

## **Ex Parte via the Clerk Frequently Asked Questions (FAQs)**

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## **General Questions**

### **1) What gives the Court authority to require that designated matters be presented in the Ex Parte Department by the Clerk?**

Amendments have been made to the following King County Local Rules to clarify which motions must be presented in Ex Parte, and of those, which must be presented by the Clerk: LCR 7; LCR 40; LCR 40.1; LCR 54; LCR 55; LCR 65; LCR 66; LCR 77; LCR 98.04; LGR 15; LFLR 5; and LFLR 15.

### **2) What types of documents are required to be presented by the Clerk?**

Generally, the Clerk will present documents that are agreed, do not require testimony, are not of an emergent nature and do not impact the trial schedule or involve discovery. New or reopened probate matters may be presented either by the parties or by the Clerk. For more specific information about which documents are to be presented by the Clerk and which can be presented by parties, please see the Clerk's office website at: <http://www.kingcounty.gov/courts/Clerk/Ex%20Parte>

**3) What types of documents may be presented directly by the parties?**

Certain documents may be presented directly by the parties. Anti-harassment, domestic violence, sexual assault and vulnerable adult protection orders, and restraining orders shall be presented in person. Additionally, orders requiring testimony and final child custody and parenting plan orders shall be presented in person. New or reopened probate matters may either be presented in person or by the Clerk. For more specific information about which documents are to be presented by the Clerk and which can be presented by parties, please see the Clerk's office website at:

<http://www.kingcounty.gov/courts/Clerk/Ex%20Parte>

**4) What is the fee for having the Clerk present my documents to the Ex Parte Department?**

The fee is \$30.00 for up to five orders in a single case, submitted at one time. Each different case or subsequent submission in a previous case requires the payment of an additional presentation fee.

**5) Are there more instructions or help available for determining if my matters are required to be presented in Ex Parte by the Clerk?**

Yes. The Ex Parte and Probate Department Motions and Hearings Manual contains further instructions and a detailed list of all the types of orders processed through that department. It is available in any Clerk's Office location, or at the Clerk's Office website at <http://www.kingcounty.gov/courts/Clerk/Ex%20Parte>. The local rules governing this practice are also available at these same locations.

**6) Can I present matters to my assigned judge even if local rules or the Ex Parte Motions and Hearing Manual indicates they must be presented to the Ex Parte Department?**

No. These matters will be returned with instructions for resubmitting to the Ex Parte and Probate Department.

## **Ex Parte Submission Process**

**7) How long do I have to wait for my documents to be returned for regular service?**

The Clerk's Office and Ex Parte Department staff have worked hard to devise a flow that will result in a quick, efficient turn-around time for documents. Generally, items received by the Clerk's Office will be available within 24 hours.

**8) What if I have an emergency and need my order(s) reviewed immediately?**

Individuals can request expedited service. An additional fee of \$30.00 for up to five orders in a single case, submitted at one time, applies. In this instance, staff will immediately (within fifteen minutes) present the materials to the Ex Parte Department, and the judicial officer will consider the matter immediately upon completion of the

matter under consideration at the time the expedited item is presented. Generally, items received by the Clerk's Office will be available to the party within an hour.

**9) Can I wait for my orders to be returned from the court?**

You may if you wish. Customers will be asked to provide us with information such as what you would like to have done with your order(s) once the court has ruled on your matter. Calling a cell phone number to advise that your copies, etc., are available to be picked up is certainly an option.

**10) Can I mail my materials to be presented by the Clerk?**

In certain circumstances; Yes. Detailed instructions are available at the Clerk's Office or on the Clerk's web site. Just go to the web site and click on 'Clerk's Services' on the menu on the left hand side of the screen. Please be advised, however, that effective July 1, 2009, submissions that are required to be presented by the clerk shall be submitted electronically unless otherwise exempt from e-filing. This requirement applies only to attorneys.

**11) Can I use a legal messenger service?**

Yes. Items can be dropped off with the Clerk by messenger, and conformed, certified copies, letters, writs, etc. can be picked up by individuals, staff or legal messenger. Please ensure that a cover sheet has been completed with appropriate instructions for clerk's office staff. Please be advised, however, that if you are an attorney, effective July 1, 2009, submissions that are required to be presented by the clerk shall be submitted electronically unless otherwise exempt from e-filing. The electronic Ex Parte via the Clerk component allows you to indicate whether you are using a messenger service.

**12) Will you call me when my documents are ready for pick-up?**

Yes, if that is included in your instructions to the Clerk.

**13) What if I indicate I will pick up my documents when ready, but then forget to come and get them?**

You will receive two phone calls informing you that your documents are ready. After that, they will be destroyed and you will have to re-purchase your copies.

**14) What if my motion is denied?**

If your motion is denied, the judicial officer will enter a minute order which will include the reason for the denial. This minute order will also contain instructions on how you may proceed, if applicable.

**15) What if I am unable to pay the Ex Parte via the Clerk presentation fee?**

Fee waivers are available to individuals able to document that payment of the fee would cause a financial hardship. To learn more about qualifying for a fee waiver, contact the Clerk's Office by calling 206-296-7831 in Seattle or 206-205-8426 in Kent. You may also inquire about fee waivers in person at any Clerk's Office location.

**16)How will I be able to get writs or letters issued/returned?**

You will be asked to complete a cover sheet with instructions for how you want the documents to be handled once your motion has been ruled on.

**E-Filing and Ex Parte via the Clerk**

**17)Can I E-file my documents to be presented to the Ex Parte Department?**

Yes. Please refer to proposed LGR 30 for information on mandatory e-filing. Please be advised that, if you are an attorney, effective July 1, 2009, submissions that are required to be presented by the clerk shall be submitted electronically unless otherwise exempt from e-filing.

**18)How do I present an application for writ of garnishment?**

The process of presenting an application for writ of garnishment is not changing. You may present your application in person or send it by mail.

**19)How do I present an order for supplemental proceedings to the Ex Parte Department?**

Within the E-Filing application, select 'motion for supplemental proceedings', e-file that document and pay the associated \$20 filing fee. You may then select 'Ex Parte' (either at the time of e-filing your motion or through your 'My Cases/Status' tab. The E-Ex Parte via the Clerk module will prompt you to select your e-filed motion, upload your proposed Order for Supplemental Proceedings and pay the associated \$30 fee for presentation to Ex Parte. The clerk will present your proposed order. Once your order is signed, you will receive a copy by whatever method you designate (by picking up your order(s) from the Clerk's office, via a messenger service, or through the US mail).

**20)Do I have to e-file a document in the court file prior to submitting matters to Ex Parte via the Clerk electronically?**

Yes. In order to access the electronic Ex Parte via the Clerk component, you must first e-file a document. Once you have e-filed your document, you may access Ex Parte via the Clerk through the button on the bottom of your confirmation receipt or through your My Cases menu under the status tab. Once you are within the electronic Ex Parte via the Clerk component, you will have the option to select your recently e-filed document for presentation to Ex Parte.

**21)How do I submit envelopes?**

You do not need to submit envelopes. If you select the return by mail option, the Clerk will send you your signed order free of charge for postage.

**22)Can I still request certified copies and other Clerk services?**

Yes. You will be able to request and pay for certified copies and other clerk services such as writs, letters, citations and subpoenas. You will also be able to indicate the quantity next to each clerk service you select.

**23)How will I get a copy of my signed order?**

The clerk will provide one conformed copy of each signed order free of charge. You may select how you would like to receive your copy (either by mail, messenger, or pick-up). You may also order additional copies, including certified copies, if you wish.

**24)Do I need to upload copies to be conformed?**

No. The clerk will provide one conformed copy of each signed order free of charge. You may select how you would like to receive your copy (either by mail, messenger, or pick-up).

**25)How can I get my messenger slip to you?**

You will be prompted to upload additional documents that are not part of the court file that you would like to include in your ex parte submission. You may upload a messenger slip at that time.

**26)How do I get to e-ex parte via the clerk?**

You may access e-ex parte via the clerk at the time of e-filing a document within an existing case from your confirmation receipt. You can also access e-ex parte via the clerk through your Status tab under the My Cases menu option.

**27)Will I have to separate my motion and order or my stipulation and order?**

Please refrain from e-filing a proposed order as a stand-alone document. If you are presenting a document which combines your motion or stipulation and proposed order, you can either separate the motion and/or stipulation from the order and e-file the stipulation or the motion or you can e-file a Notice of Presentation to Ex Parte and upload your combined proposed order within the Ex Parte component of E-Filing. You can download the Notice of Presentation to Ex Parte at [www.kingcounty.gov/courts/scforms](http://www.kingcounty.gov/courts/scforms).

**28)Will I be able to upload a writ to be issued by the clerk?**

Yes. You will upload the writ when prompted to add additional documents that are not part of the court file. You will be charged the \$20 fee at the time of checkout.

**29)Can I include non-filed documents as part of my e-ex parte submission?**

Yes. You will be prompted to upload any additional documents you would like the Commissioner to consider that are not part of the court file through the e-ex parte via the clerk component.